



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

271 Cadman Plaza East
Brooklyn, New York 11201

April 30, 2025

By ECF

Honorable Eric N. Vitaliano
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Barrios v. U.S. Dep't of Homeland Security*, No. 25-cv-1759 (Vitaliano, J.)

Dear Judge Vitaliano:

This Office represents the U.S. Department of Homeland Security (“DHS”) and DHS Secretary Kristi Noem (collectively, “Respondents”) in the above-referenced matter. Defendants write in response to the Court’s Order dated April 29, 2025 restricting access to records that Respondents filed yesterday. See ECF Order dated Apr. 29. Respondents respectfully submit that yesterday’s filing, at ECF No. 11 (and, in addition, Respondents’ earlier filing, at ECF No. 8), were made in response the Court’s April 8 Order directing Respondents to “identify and attach as exhibits all immigration proceedings relating to [Petitioner Miguel Vaamondes Barrios (“Barrios”)], including any removal proceedings and appeals to the Board of Immigration Appeals.” See ECF Order dated Apr. 8. In the April 29 Order, Court noted that Respondents’ filing at ECF No. 11 was not redacted “as required by the E-Government Act of 2002 and Federal Rule of Civil Procedure [(“Rule”)] 5.2” and restricted access to the filing. See ECF Apr. 29 Order.

Respondents respectfully apologize for filing in seeming violation of Rule 5.2. Respondents respectfully inform the Court, however, that the records were filed in unredacted form because, pursuant to Rule 5.2(b), the Rule’s redaction requirement does not apply to: (1) “the record of an administrative or agency proceeding,” *see* Rule 5.2(b)(2), which is what comprises Respondents’ filing at ECF No. 11; or, (2) “a filing covered by Rule 5.2(c),” which covers actions relating to immigration benefits, including actions, like this one, “relating to an order of removal.” *See* Rule 5.2(c). Moreover, pursuant to Rule 5.2(c), electronic access to dockets in covered actions are already restricted. *See id.* Perhaps for these same reasons, Petitioner *pro se* Gloria Browning Vaamondes Barrios (“Browning”) has also been filing documents in unredacted form. *See* ECF No. 9; *see also* Rule 5.2(b)(6) (redaction requirement does not apply to “a pro se filing in an action brought under 28 U.S.C. §§ 2241[.]”). In any event, Respondents are prepared to refile the underlying records in redacted form at the Court’s direction.

Respondents thank the Court for its time and consideration of this matter.

Respectfully submitted,

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